

**DEPARTMENT OF COMMERCE****International Trade Administration****Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Upcoming Sunset Reviews.

**Background**

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”), the Department of Commerce (“the Department”) and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**Upcoming Sunset Reviews for March 2010**

The following Sunset Reviews are scheduled for initiation in March 2010 and will appear in that month’s Notice of Initiation of Five-Year Sunset Reviews.

Antidumping duty proceedings	Department contact
Magnesium Metal from the People’s Republic of China (A-570-896).	Jennifer Moats; (202) 482-5047.
Magnesium Metal from Russia (A-821-819).	Dana Mermelstein; (202) 482-1391.

**Countervailing Duty Proceedings**

No Sunset Review of countervailing duty orders are scheduled for initiation in March 2010.

**Suspended Investigations**

No Sunset Review of suspended investigations are scheduled for initiation in March 2010.

The Department’s procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on

methodological or analytical issues relevant to the Department’s conduct of Sunset Reviews is set forth in the Department’s Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-Year (“Sunset”) Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 22, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2010-2060 Filed 1-29-10; 8:45 am]

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**DEPARTMENT OF COMMERCE****International Trade Administration****Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**FOR FURTHER INFORMATION CONTACT:** Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4697.

**Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (“the Act”), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (“the Department”) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

**Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 20 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of the **Federal Register** initiation notice.

*Opportunity To Request A Review:* Not later than the last day of February 2010,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
<b>Antidumping Duty Proceedings</b>	
Brazil:	
Stainless Steel Bar A-351-825 .....	2/1/09-1/31/10
Frozen Warmwater Shrimp A-351-838 .....	2/1/09-1/31/10
France: Uranium A-427-818 .....	2/1/09-1/31/10
India:	
Certain Cut-to-Length Carbon-Quality Steel Plate A-533-817 .....	2/1/09-1/31/10
Forged Stainless Steel Flanges A-533-809 .....	2/1/09-1/31/10
Frozen Warmwater Shrimp A-533-840 .....	2/1/09-1/31/10
Stainless Steel Bar A-533-810 .....	2/1/09-1/31/10
Certain Preserved Mushrooms A-533-813 .....	2/1/09-1/31/10
Indonesia:	
Certain Cut-to-Length Carbon-Quality Steel Plate A-560-805 .....	2/1/09-1/31/10
Certain Preserved Mushrooms A-560-802 .....	2/1/09-1/31/10
Italy:	
Certain Cut-to-Length Carbon-Quality Steel Plate A-475-826 .....	2/1/09-1/31/10
Stainless Steel Butt-Weld Pipe Fittings A-475-828 .....	2/1/09-1/31/10
Japan:	
Carbon Steel Butt-Weld Pipe Fittings A-588-602 .....	2/1/09-1/31/10
Certain Cut-to-Length Carbon-Quality Steel Plate A-588-847 .....	2/1/09-1/31/10
Stainless Steel Bar A-588-833 .....	2/1/09-1/31/10
Malaysia: Stainless Steel Butt-Weld Pipe Fittings A-557-809 .....	2/1/09-1/31/10
Philippines: Stainless Steel Butt-Weld Pipe Fittings A-565-801 .....	2/1/09-1/31/10
Republic of Korea:	
Certain Cut-to-Length Carbon-Quality Steel Plate A-580-836 .....	2/1/09-1/31/10
Stainless Steel Butt-Weld Pipe Fittings A-580-813 .....	2/1/09-1/31/10
Taiwan: Forged Stainless Steel Flanges A-583-821 .....	2/1/09-1/31/10
Thailand: Frozen Warmwater Shrimp A-549-822 .....	2/1/09-1/31/10
The People's Republic of China:	
Axes/adzes A-570-803 .....	2/1/09-1/31/10
Bars/wedges A-570-803 .....	2/1/09-1/31/10
Certain Preserved Mushrooms A-570-851 .....	2/1/09-1/31/10
Frozen Warmwater Shrimp A-570-893 .....	2/1/09-1/31/10
Hammers/sledges A-570-803 .....	2/1/09-1/31/10
Natural Bristle Paint Brushes and Brush Heads A-570-501 .....	2/1/09-1/31/10
Picks/mattocks A-570-803 .....	2/1/09-1/31/10
Small Diameter Graphite Electrodes A-570-929 .....	8/21/08-1/31/10
Uncovered Innerspring Units A-570-928 .....	2/2/09-1/31/10
Socialist Republic of Vietnam: Frozen Warmwater Shrimp A-552-802 .....	2/1/09-1/31/10
<b>Countervailing Duty Proceedings</b>	
France: Uranium C-427-819 .....	1/1/09-12/31/09
India:	
Certain Cut-to-Length Carbon-Quality Steel Plate C-533-818 .....	1/1/09-12/31/09
Prestressed Concrete Steel Wire Strand C-533-829 .....	1/1/09-12/31/09
Indonesia: Certain Cut-to-Length Carbon-Quality Steel Plate C-560-806 .....	1/1/09-12/31/09
Italy: Certain Cut-to-Length Carbon-Quality Steel Plate C-475-827 .....	1/1/09-12/31/09
Republic of Korea: Certain Cut-to-Length Carbon-Quality Steel Plate C-580-837 .....	1/1/09-12/31/09
The People's Republic of China: Circular Welded Carbon Quality Steel Line Pipe <sup>2</sup> C-570-936 .....	7/10/08-12/31/09

### Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party

described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters.<sup>3</sup> If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state

<sup>3</sup> If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were

<sup>2</sup> This case was inadvertently omitted from the opportunity notice that published on January 11, 2010 (75 FR 1333).

reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import Administration Web site at <http://ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of February 2010. If the Department does not receive, by the last day of February 2010, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from use, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the POR.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 26, 2010.

**John M. Andersen**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XT38**

#### Notice of Intent to Prepare a Programmatic Environmental Impact Statement and Conduct Restoration Planning to Compensate for Injuries to Natural Resources in Portland Harbor, Oregon

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to prepare a programmatic environmental impact statement and restoration plan; request for comments; notice of public scoping meeting.

**SUMMARY:** NOAA, the Department of the Interior (U.S. Fish and Wildlife Service), the Oregon Department of Fish and Wildlife, the Nez Perce Tribe, the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Grand Ronde Community of Oregon are collectively referred to as the "Trustees" for this case. The Confederated Tribes and Bands of the Yakima Nation, although a Trustee for Portland Harbor, has withdrawn from the Trustee Council and is no longer participating in the restoration planning efforts of the group of Trustees identified here. The Trustees for this case are providing notice of their efforts to plan restoration projects to compensate for injuries to natural resources in Portland Harbor in the Lower Willamette River. The Trustees seek damages from potentially responsible parties (PRPs) to restore, rehabilitate, replace or acquire the equivalent of natural resources and services injured by the release of hazardous substances. The Trustees will prepare a programmatic environmental impact statement (PEIS) to identify and address the environmental impacts of the proposed restoration, and they seek public involvement in development of a Draft Restoration Plan (RP). This notice explains the scoping process the

Trustees will use to gather input from the public. Comments on what the Trustees should consider in the PEIS and RP may be submitted in written form or verbally at a public scoping meeting.

**DATES:** A preliminary public scoping meeting date and time is scheduled as follows:

*Wednesday, March 3, 2010, 6–8 p.m., City of Portland's Water Pollution Control Laboratory, 6543 N. Burlington Avenue, Portland, OR 97203*

Written comments must be received by March 15, 2010.

**ADDRESSES:** Written comments on suggested alternatives and potential impacts should be sent to Megan Callahan Grant, NOAA Restoration Center, 1201 NE Lloyd Blvd. 11100, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Megan Callahan Grant at (503) 231-2213 or e-mail at [megan.callahan-grant@noaa.gov](mailto:megan.callahan-grant@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 *et seq.*, parties responsible for releasing hazardous substances into the environment are liable both for the costs of responding to the release (by cleaning up, containing or otherwise remediating the release) and for damages arising from injuries to publicly owned or managed natural resources resulting from the release. Natural resource damage assessment (NRDA) is the process of assessing the nature and extent of the resulting injury, destruction or loss of natural resources and the services they provide. NRDA also includes the process of determining the compensation required to make the public whole for such injuries, destruction or loss. CERCLA authorizes certain Federal and state agencies and Indian tribes to be designated as Trustees for affected natural resources. Under CERCLA and implementing regulations, these agencies and tribes are authorized to assess natural resource injuries and to seek compensation from responsible parties, including the costs of performing the damage assessment. The Trustees are required to use recovered damages only to restore, replace or acquire the equivalent of the injured or lost resources and services.

In January of 2007, the Portland Harbor Trustee Council released a Pre-Assessment Screen (PAS) for the Portland Harbor Superfund site. The purpose of the PAS was to provide the foundation for determining the need to conduct a formal natural resource